

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAMSBURG CLIMBING GYM
COMPANY LLC and FIFTH CONCERTO
HOLDCO, INC.,

Plaintiffs,

-against-

RONIT REALTY LLC,

MEMORANDUM AND ORDER

Case No. 20-cv-2073-FB-RML

Defendant.

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BLOCK, Senior District Judge:

On January 9, 2023, Magistrate Judge Robert M. Levy issued a Report and Recommendation (“R&R”) recommending that Ronit Realty LLC (“Ronit”) be awarded \$7,283,427.25 in damages, plus pre-judgment interest at the rate of nine percent per annum from May 1, 2020 through the date of entry of final judgment.

On January 14, 2022, the Court granted defendant Ronit’s motion for summary judgment and referred the calculation of damages to Magistrate Judge Levy. His well-reasoned R&R recommended that damages be awarded to Ronit as follows: (i) \$5,361,886.00 in unpaid rent, (ii) \$1,214,116.76 for construction contributions, (iii) \$528,907.11 for property taxes owed, (iv) \$137,500.00 for discharge of the mechanic’s liens, (v) prejudgment interest at the rate of nine percent per annum from the earliest date that the cause of action arose, which Magistrate

Judge Levy determined was May 1, 2020, through the date that judgment is entered, and (iv) \$38,304.50 in attorneys' fees.

If clear notice has been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) ("Where parties receive clear notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.") (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review and directs the Clerk to enter judgment in accordance with the R&R as described above.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 27, 2023